

STUART H. FINKELSTEIN

Attorney at Law

338 Jericho Turnpike
Syosset, New York 11791
(718) 261-4900

March 31st, 2022

The Honorable Jesse M. Furman
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square Courtroom 1105
New York, New York 10007

Re: Antolini vs. Zorbx, et al
Case No.: 1:21-cv-11081 (JMF)

Dear Judge Furman,

I represent Plaintiff Dino Antolini and the putative classes in the above referenced matter. I write to oppose Defendants' request to adjourn the upcoming initial pre-trial conference scheduled for April 12, 2022.

Other than the stay of discovery, there is no reason to adjourn the conference *sine die*. In the Court's January 4, 2022 Order, the parties were directed to address much more than just discovery deadlines in their joint pre-trial letter. See Dkt. No. 14. There is clear value in getting the parties together for the first time before the Court. A pending motion to dismiss should not forestall a District Court's efforts to effectively manage and resolve the cases on its docket. See e.g., *Peracchino v. Marra*, 2008 WL 11517852 (S.D.N.Y. Jan. 24, 2008) (motion to dismiss fully briefed on September 12, 2007 and initial pre-trial conference held on December 3, 2007 in order to address questions of subject-matter jurisdiction, nature of the action, and ongoing settlement discussions).

Plaintiff is willing to have the conference telephonically, or virtual, to accommodate out-of-state counsel, should that be something the Court is inclined to do. Wherefore, Plaintiff respectfully requests that Defendants' application be denied and the April 12, 2022 conference proceed as scheduled.

Very truly yours,

Stuart H. Finkelstein

SHF/tc
To all counsel of record via pacer